

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
APR 29 1999	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY _____

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

MICHAEL PETRAMALA,

Plaintiffs,

vs.

MULLINS, et al.,

Defendants.

No. CIV 98-871 PHX ROS

**ORDER OF DISMISSAL**

On April 6, 1999 (order filed April 7, 1999) Plaintiff, Michael Petramala, was Ordered to show cause, no later than April 12, 1999, why he had failed to serve the summons and complaint within the 120 days prescribed by Rule 4(m) of the Federal Rules of Civil Procedure. Plaintiff has failed to show cause why service has not been effected.

In Townsel v. County of Contra Costa, 820 F.2d 319, 320 (9th Cir. 1987) the court held that pursuant to Rule 4(m), the district court is required to dismiss an action if the defendants are not served with a copy of the summons and the complaint within 120 days


(11)

1 after the filing of the complaint, unless the plaintiff can show  
2 good cause why service was not made.

3 Accordingly,

4 **IT IS ORDERED**, pursuant to Rule 4(m) of the Federal Rules of  
5 Civil Procedure, dismissing this action without prejudice.

6 DATED this 28th day of April, 1999.

7  
8   
9 HONORABLE ROSLYN O. SILVER  
United States District Judge

10 copies to all counsel of record  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26